

Scallop Advisory Council Notes September 7, 2010

Attendance:

SAC: Dana Temple, Dana Morse, Annie Tselkis, Dave Sinclair, Terence Kenney, Jimmy Ackley, Barry Huckins, Arthur Alley, Andy Mays

DMR: Togue Brawn, David Etnier, Deirdre Gilbert

Audience: Carla Geunther, Jessie Logan, Carol Woodcock, Bill Trotter, Jimmy Wotton, Dennis Damon, Travis Fogg, Sherm Hoyt

Introductions, Dana Temple explained the rules of SAC operation

Minutes:

Although minutes were e-mailed, there were no hard copies available so approval of minutes was tabled until the next meeting

DMR updates:

Permit banking – revised RFP released. DMR will be purchasing groundfish permits and distributing the rights associated with the permits to eligible fishermen. DMR has hired someone (Trish DeGraaf) to administer the permit banking program and handle groundfish issues.

Urchin season was approved as proposed.

Dale Sprowl has been promoted to Lieutenant

DMR made a change to the scallop season based on public comment – the original rule was for a Monday-Friday season. During public comment, many comments were received opposing the lack of open week-end days. Several comments in writing, as well as in person. At the Yarmouth hearing, almost everyone who spoke opposed the season. The Department heard their concerns and agreed that it was not fair to essentially exclude an entire segment of fishermen from the fishery (more detailed rationale was given in the Basis Statement). The Department developed a compromise weekend fishing will be allowed in December and March, weekdays only in January and February. This will be voted on by the DMR AC at their meeting next week (September 15).

Dana M – This seems like a good compromise.

Jimmy A – Can you tell the percentage of people who have recreational licenses who are actually using them, who want this season?

Togue – We could determine what percentage of non-commercial licenses are actively fished, because this license isn't limited, it's less likely to be purchased but not used than is the commercial license.

Limited Entry:

The Legislature directed DMR to adopt rules to allow people who do not currently hold a license to obtain one. They included a sunset provision, which means that the fishery will be open access in July of 2012 if nothing is changed. We need them to remove that sunset, but in order for them to remove the sunset, they will want to see that we have established a means to allow entry into the fishery.

Draft rules were distributed – Togue noted that the Department drafted the rules to give some preference to individuals who held a license in the past – they will get extra chances in the lottery, based on the number of years (1999-2008) they held a commercial scallop license.

Togue walked through the rule –

- Defines commercial scallop license
- Establishes an exit ratio of 5:1
- Entry will begin in 2012
- Entry will be through a lottery
- To be eligible, must have held some license issued by the Department in the previous year
- The number of chances – everyone gets one, additional draws depend on the years you previously held a license
- Public drawing – random selection
- Alternates are chosen
- Get to select what type of license they will get, but then can only renew that type of license
- Would have to meet safety requirements prior to purchasing the license

Jimmy – Do the alternates who get chosen get any special preference in the next drawing?

Togue – That's not the way that it's currently drafted, but if you guys are interested in implementing something like that, you could do so.

Dana T – Just a comment that this doesn't change the issue that these licenses don't really matter. It is the licenses that already exist but aren't fished that represent the real threat. Not sure if it can be addressed, but I am concerned about the potential flood of effort.

Discussion ensued concerning the need to manage the fishery. Several SAC members noted that limiting the number of people allowed to enter the fishery would not be sufficient means of managing the closed areas. All agreed on this point.

Arthur – Did we ever lock in on 5:1?

Togue – No – that's up for discussion. But keep in mind that the concern is that, if the ratio is too conservative, the Legislature might object. No matter what the ratio is, there will be people who show up to oppose it, saying they need to get a license to support their family. Between 2008 and 2009, 18 licenses were retired – so at 20:1, there would be no entry.

Dana M – Maybe we should be looking between 5 and 10? 10 might be too high. But maybe the number should be a little bit higher. This will regulate new entry, but it is not the way to manage how fishing will take place in the closed areas.

Togue – There is no magic formula. We don't know the "perfect number" of licenses, and even if we did, we have too much uncertainty to plug data into an equation and pop out an exit ratio. It is really more of a gut decision.

Arthur – Could we change it every year, based on what we are seeing in terms of participation in the fishery and the resource?

David – You could sunset it a few years out.

Andy – This is just as messed up as lobster – even if you allowed people in 1:1, it's not going to make a difference compared to latent effort. I am more for using a lower number – the point should be to keep people fishing who want to fish and let people in who want to do so. The solution is going to be more about how we manage the closed areas. Allowing more people in would make people feel like they have a stake in the fishery; that it's not a privatized thing. I would make it 3 or 4 or 5 to 1, so people feel like they have a shot at going scalloping. It shows we want to let people have this opportunity. It's good for communities.

Arthur – I think it's still a fishery in dire straits, people are used to 5:1 – would go with at least that.

Dana T – It's not going to be the major impact on the fishery.

Dave S – Agree that it's not going to be the major impact.

Annie – Do those licenses carry over? For instance, if there are 18 licenses that exit the fishery in one year, we round down and offer 3 licenses as if 15 licenses had left. Will the additional three be carried over?

Togue – It's not currently drafted that way, but it could be done

Annie – just should be explicit

Dennis – Is there an optimum number of licenses that you are trying to get to?

Togue – no...there is no "optimum" number – the resource will change

Dennis – it is kind of hit or miss. Find a number, see what happens...revisit it in a few years. From the legislative perspective, Andy's point is a good one – they are going to look more for the opportunity for people to go scalloping – it should be defensible, not shock people.

Dana (?) – As the fishery comes back, it will be more and more difficult to reduce the number of people. Bringing the number down will become harder.

Andy – That's only true if all the license holders are young...

Andy – It's much better to manage by season and areas than by the number of people.

We shouldn't be trying to ensure that a small number of people can make a lot of money. I'd like to have 1000 people – I don't see why that's not possible again. I don't think it should be focused on whittling down the number excessively.

Dana T – But 1000 guys with a 2 day season is no good either...

Andy – Still, you have to provide hope.

Barry – 5 to 1 works

Dave S – For me too

Dana M – It may be reasonable to revisit this every year. There are 2 things working in opposition – wanting to let people in, but at the same time, feel current number of licenses is too many.

A discussion ensued concerning the benefits versus costs of revisiting the ratio every year versus every 2 years. Yes, it's possible to change it every year (since scallop rulemaking is required each year in order to set the season), but we wouldn't necessarily have enough data to make an informed decision each spring.

Andy – We could also just pick a number of licenses to issue each year.

Togue – The legislature is going to want something more structured and defensible than “the SAC will select the number of licenses to issue each year – just trust us...”

David – It’s refreshing to hear the perspective of speaking for the community, not just about shutting the door tightly and not letting anyone in.

Andy made a motion to establish a ratio of 5 to 1, Arthur seconded.

Unanimous

Dave Sinclair made a motion review it every 2 years. Andy seconded.

Unanimous

Anything else?

David points out eligibility criteria – have to have held a license. Trying to prevent speculative behavior...does this make sense?

Andy – that doesn’t make sense – there are a lot of guys who are crew who don’t hold a license

Dana – it’s a good thing to think about safety on the water, but this is the wrong mechanism to do it. Better done through an apprenticeship or educational program.

Discussion ensued, with Togue and David explaining that this mechanism was an attempt to help those with ties to the fishing industry. The crewman is more likely to hold some sort of a (DMR issued) fishing license than is someone who works outside the industry.

Andy – I make a motion that all you have to do is be a resident

Barry seconded.

Discussion:

Togue pointed out that without additional eligibility criteria, someone could enter their child in the lottery the day they were born, and that child could get issued the scallop license rather than some guy that would like to use it to support his family.

Dana (?) – Do you think that’s the right avenue to try to connect people to the coast?

Someone asks if we could put a minimum age requirement in. David points out that we don’t have the authority to discriminate based on age.

Carol – there is no fee to enter the lottery – would that prevent random speculation?

David points out that the Department doesn’t have the legislative authority to set fees.

Dana (?) – this feels like the wrong tool for the job...to keep that connection, should be an apprenticeship program.

Carla – Could you assign the captain’s name to the deckhand’s entry?

Togue: Too fraught with possibility for fraud.

Dennis – Scalping is inherently dangerous...not sure why you couldn’t have a minimum age requirement.

David – We would need to check with the assistant AG to see if that’s an option.

Discussion ensued: everyone thought there should be some sort of a minimum age requirement. The Council wanted people to be age 18 in order to go scalloping. There

was a question concerning how to withdraw the motion, it was decided that it should be defeated and then a new motion could be offered.

Vote: all opposed

Andy – I make a motion that we strike 11.2.c.1 (eligibility criteria)

Barry seconded

Unanimous

Andy - I make a motion that you have to be 18 and a resident of Maine to enter the lottery.

Arthur – seconded

(discussion that we will draft the language to reflect that you have to turn 18 during the year)

Unanimous

Weighting issue:

Andy – I like that there will be additional draws for people who held a license in the past. General agreement that it makes sense, general agreement that 10 year time span makes sense.

Other portions of the suggested regulation also met with approval.

Bylaws

Note the abstention language – you should only abstain if you have a direct financial interest

Article 4 – officers – change to just chair and vice-chair (remove the requirement to elect a secretary)?

Togue suggested they Take out the requirement to do the election in January as well so it could be done

Barry made a motion to do so motion, Andy seconded

Unanimous

Area Advisory Committees –

Togue reminded the Council of the purpose of these committees: reopening of the closed areas is going to be a long arduous process. It's imperative that local fishermen feel they've had a chance to take part in the process. If we don't do this, it would be too easy for small groups to kill the whole reopening by opposing the plan at the end of the process after many people have put a lot of work into it.

Discussion of the 9 areas and whether or not any of them should be combined. Andy thinks the MDI, blue hill bay, frenchman's bay area makes sense.

Concern was expressed again over the purpose of this and whether or not it would be area management.

David – The goal here isn't to figure out how to make the areas exclusionary. The goal is to increase communication.

Togue reminded people that increased communication, both from the SAC to local areas and from local areas to the SAC, is vital to ensuring the plan is devised properly. The SAC will come up with a template of options to consider, and having standardized opportunities for local input will help prevent a patchwork quilt of management plan ideas that don't mesh well.

Andy – What's the incentive to have the meetings if you can't close areas that are getting badly overfished? The Skillings River was completely hammered this year. It should have been closed early.

Togue – The primary goal here is to figure out how to deal with the closed areas. Also, David has talked about enabling groups of fishermen to give the DMR advice regarding closing areas before the end of the season. This could be part of that process.

David – Yes, we think there is value in involving the local population in that kind of conversation.

Togue – We need to figure out what the minimum requirements should be. The SAC should be involved in that.

Arthur- That's the best discussion I've heard about this yet. Where I fish, I would rather have seen it closed a month earlier. We are crushing the hinges of the little scallops.

Andy – The majority of the people still in the fishery view it that way, have that same attitude. There are a few people that don't, and never will. If you can override them and tailor the closure appropriately, that would be worth something.

Togue – I'd like to confirm the areas:

Sheepscot Damariscotta, Western Penobscot – does it make sense to combine that?

Arthur – It makes sense to me to combine

Jimmy Wotton – effort in the Sheepscot is pretty limited, so I think it should be combined

Eastern Penobscot

MDI – includes Blue hill bay

Andy – Winter Harbor to Pleasant bay

Jonesport Beals/Machias Cutler – should these be separate?

There was discussion of the relative benefits of each option. Concern was expressed that the meetings might get rowdy if combined. Togue said she'd rather have rowdy meetings occasionally where people actually participate than meetings that are so small no one thinks it's worth going.

Consensus was that they should be combined. Not that much distance, you could start meeting on a regular basis and get more accomplished.

Down to 7 areas: Western/Casco Bay; Sheepscot to Western Penobscot; Eastern Penobscot; MDI; Winter Harbor to Pleasant Bay; Jonesport/Beals/Machias/Cutler; Cobscook.

Spat –

Andy talked about his spat collection from last year. He collected about 40,000 spat – those ones closest to the mesh are well over an inch. Farther in, a lot smaller – fingernail size.

Some bags were out to 3 miles, some up inside – scallops in every bag. Set the bags from September through October. Would encourage everyone to get on it. Should be earlier this year, because water temp is warmer.

Dana M asked Andy for more information. Andy had mentioned that he went through one bag to count (3300 scallops) but that it was very time consuming. Dana Temple noted that that's what's done in other parts of the world: oftentimes wives or shoreside workers sort through the bags. In Japan, it's like crop rotation.

Andy encouraged people to do this, Dana Morse spoke briefly of the requirements. Terence asked when the requirement to have your vessel be USCG inspected could be removed, David said it would not be removed: the Department thinks it's a good idea.

DMR is going to establish a process to identify scallop research needs – spat collection will be included in this?

Dana T– think about spat collection, enhancement etc, as a stipulation for the license, a requirement to participate?

Togue pointed out that we couldn't do that now, as we don't have the resources to administer a program like that right now, but it could be considered in the future.

Dana Morse pointed out that right now, spat collection is at sort of an odd point. It would help if you could develop a spat collection license through DMR – this could go on the agenda at the next meeting.

Jimmy A. – all I do is scallop – my boat is out of the water from March to December – I'd have to leave my boat in the water just so I could do the spat collection.

Arthur – we should have something written that explains how to do it

Dana M – there is a document that Scott Feindel put together

Next meeting discussion items:

License issue

Area committees, templates

October 28th.

In Ellsworth

Meeting after that will be in Machias

Motion to adjourn – andy, Second by Barry

Unanimous

6:22 pm

